IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3879 OF 2007

Sayyad Ali Sayyad Hakim — Petitioner
Vs.
Bhiwandi-Nizampur City
Municipal Corporation & Ors. — Respondents

Mr. M. P. Vashi, Advocate for the Petitioner.

Mr. Lagee, Advocate for Respondent Nos. 1 & 3.

Ms. V. Mhaisapurkar, AGP for the respondent No.2.

CORAM : D. G. KARNIK
AND
A. A. SAYED, JJ.
[VACATION COURT]

DATE : MAY 15, 2007.

P.C.

1. Heard the Learned Counsel appearing for the parties.

2. By this petition, the Petitioner challanges the order dated 11th May 2007 passed by the Returning Officer (Respondent No.3), rejecting the nomination paper of the Petitioner, on the ground that it was not accompanied by security deposit of Rs.3,000/- as required by law.

3. The Petitioner was required to deposit a sum of Rs.3,000/- by way of security deposit alongwith nomination, but he has deposited Rs. 1,500/- and receipt of Rs. 1,500/- was annexed to the nomination papers. Mr. Vashi, the learned counsel for the Petitioner, submitted that the Petitioner had in fact

tendered Rs.3,000/-, but the receiving clerk wrongly accepted the deposit of Rs.1,500/-, thinking that it was for Ward No. 62, which was reserved for OBC candidates, where the amount of deposit was only Rs.1,500/-. He submitted that this was a bona fide mistake, and therefore, the nomination papers should have been accepted and the Petitioner should have been allowed to deposit the deficit security deposit at the time of scrutiny held on 11th May, 2007.

4. Last date of paying deposit amount and filing nonomination form was 10th May 2007, and therefore there was no question of permitting the petitioner to make up for the deficit deposit amount by the Returning Officer (Respondent NO.3) on 11th May 2007. The contention of Petitioner that it was a bona fide mistake, also does not impress us. The Petitioner had paid only Rs. 1,500/- though he very well knew that the amount of security deposit was Rs.3,000/-. For these reasons we find no merit in the petition, which is dismissed summarily.

[A. A. SAYED, J.] [D. G. KARNIK, J.]